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IN THE UNITED STATES DISTRICT COURT
DISTRICT OF UTAH, CENTRAL DISTRICT

SNAPRAYS, LLC dba SNAPPOWER, a Utah limited liability company, Plaintiff, v. ALURATEK, INC., a California corporation; ENSTANT TECHNOLOGY CO., LTD, a China corporation; VISTEK TECHNOLOGY CO., LTD., a China corporation, Defendants.	**COMPLAINT AND JURY DEMAND** Case No. The Honorable

Plaintiff SnapRays, LLC dba SnapPower, by and through its counsel, alleges and complains against Aluratek, Inc.; Enstant Technology Co., Ltd.; and Vistek Technology Co., Ltd. (collectively, “Defendants”) as follows:

PARTIES, JURISDICTION AND VENUE

1. Plaintiff SnapRays, LLC is a Utah limited liability company doing business as SnapPower (“SnapPower”), with its principal place of business located at 426 East 1750 North, Unit D, Vineyard, Utah 84057.

2. On information and belief, defendant Aluratek, Inc. ("Aluratek") is, and at all times herein mentioned was, a corporation organized and existing under the laws of the State of California, with its principal place of business located at 15241 Barranca Parkway, Irvine, California 92618.

3. On information and belief, defendant Enstant Technology Co., Ltd. ("Enstant") is, and at all times herein mentioned was, a corporation organized and existing under the laws of China, with its principal place of business located at A525 Baoan Smart Valley Yintian Road, Xixiang Baoan District, Shenzhen, China 518105.

4. On information and belief, defendant Vistek Technology Co., Ltd. ("Vistek") is, and at all times herein mentioned was, a corporation organized and existing under the laws of China, with its principal place of business located at Unit 605 Yongzhen Building No. 278 Defeng Road Fuyong Shenzhen, China 518103. On information and belief, Vistek has an office in the United States located at 4011 Camino Ranchero, Building 1, Unit E, Camarillo, California 93012.

5. The Court has subject-matter jurisdiction over this action pursuant to 25 U.S.C. § 1331 because a federal question exists, and pursuant to 28 U.S.C. § 1338 because this action involves claims under the Patent Act (35 U.S.C. § 271), Lanham Act (15 U.S.C. § 1125), and Copyright Act (17 U.S.C. § 101).

6. On information and belief, the Court also has subject-matter jurisdiction pursuant to 28 U.S.C. § 1332 because the parties are diverse and the amount in controversy exceeds $75,000.

7. On information and belief, the Court has personal jurisdiction over Aluratek because it has advertised, sold, and offered for sale products to Utah customers that infringe SnapPower's patents. On information and belief, the Court has personal jurisdiction over Vistek and Enstant because they have manufactured, made, distributed, and imported into the United States products that infringe SnapPower's patents and that have been advertised, sold, and offered for sale by Aluratek to Utah customers.

8. On information and belief, the Court also has personal jurisdiction over Vistek because Vistek has committed acts of false advertising and copyright infringement in this district by illegally copying images of SnapPower's products and other promotional materials displayed on SnapPower's Kickstarter website and using those images in Vistek's advertisement.

9. On information and belief, venue is proper in this Court under 28 U.S.C. § 1400 and 28 U.S.C. § 1391 because Defendants have committed acts of patent infringement, copyright infringement, and/or false advertising in this district and because Defendants are subject to the Court's personal jurisdiction.

GENERAL ALLEGATIONS

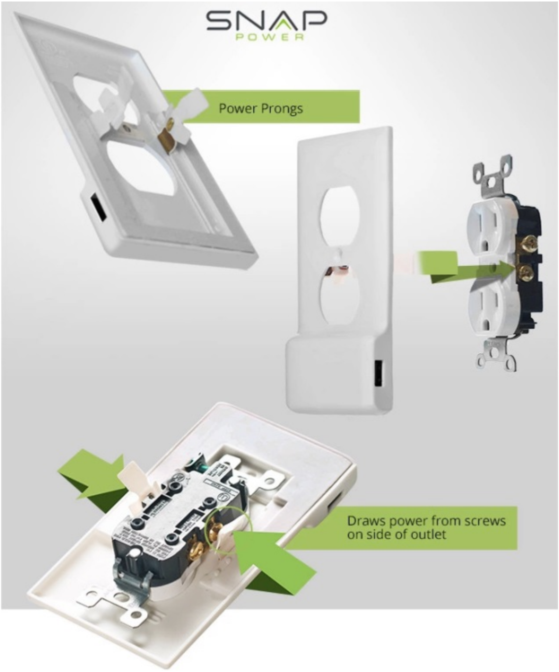
SnapPower develops the SnapPower Charger.

10. SnapPower is a fast-growing start-up company founded in 2012 that develops consumer electronic products designed to bring light and simplicity to consumers' homes.

11. SnapPower's innovative products have become widely popular and include light switch covers and electronic outlet wall plates with various functions.

12. Among other products, SnapPower manufactures, distributes, markets, and sells high-quality electric outlet covers with built-in USB chargers ("SnapPower's Charger" or the "SnapPower Charger"). Images of the SnapPower Charger are displayed below.

13. The SnapPower Charger is an electrical outlet replacement that adds a USB port below the sockets. The SnapPower Charger is unique in that it does not require wiring. Instead, the USB port gets its power from the current-carrying metal screws on the side of the internal socket assembly. An image explaining the design of the SnapPower Charger is displayed below.



14. The SnapPower Charger has received media attention from major news media outlets, technology sites, and television networks praising the innovative design of SnapPower's Charger. Those media sources include, among others, NBC News, The Huffington Post, Business Insider, Gizmodo, Yahoo!, The Family Handyman, Digital Trends, Popular Mechanics, Entrepreneur magazine, Slash Gear, Cnet, Lifehacker, TNW, and DIY network.

15. SnapPower has received awards for its inventive outlet covers, including "Overall Best in Show" and "Best Indoor Living Product" by the 2015 International Builders Show, recognition as one of the top 100 new products of 2014 by This Old House, and the 2014 innovation award by Handy magazine.

16. The SnapPower Charger comes with a limited one-year warranty and is engineered with premium parts to ensure it lasts for as long as possible. SnapPower estimates that the SnapPower Charger will last for at least 10 years under normal use.

SnapPower has patented the SnapPower Charger.

17. The electric outlet cover technology used by SnapPower's Charger and other products has been recognized by the United States Patent and Trademark Office (the "USPTO") through the issuance of patent nos. 6,087,588; 6,423,900; and 8,912,442 (collectively, the "Patents-in-Suit"). SnapPower is the assignee and/or exclusive licensee of the Patents-in-Suit.

18. SnapPower has expended considerable resources in developing its intellectual property, including its patents, and its rights thereto. Because of those efforts, SnapPower's intellectual property has become extremely valuable.

The Patents-in-Suit.

19. On July 11, 2000, the USPTO duly and lawfully issued United States Patent No. 6,087,588 entitled "Active Cover Plate for an Electrical Outlet" (the "'588 Patent"). SnapPower is the assignee and/or exclusive licensee of the '588 Patent. A copy of the '588 Patent is attached as Exhibit A.

20. On July 23, 2002, the USPTO duly and lawfully issued United States Patent No. 6,423,900 entitled "Active Cover Plate for an Electrical Outlet" (the "'900 Patent"). SnapPower is the assignee and/or exclusive licensee of the '900 Patent. A copy of the '900 Patent is attached as Exhibit B.

21. On December 16, 2014, the USPTO duly and lawfully issued United States Patent No. 8,912,442 entitled "Active Cover Plate" (the "'442 Patent"). SnapPower is the assignee and/or exclusive licensee of the '442 Patent. A copy of the '442 Patent is attached as Exhibit C.

Aluratek markets and sells infringing products.

22. In or around November 2016, SnapPower discovered that Aluratek is marketing and selling two products that infringe SnapPower's Patents-in-Suit. Those products include Aluratek's AUWCS02FR 2-port USB Charging Duplex Wall Plate and AUWCS02FS 2-port USB Charging Décor Wall Plate (collectively, "Aluratek's Products"). Images of Aluratek's Products are displayed below.

23. The USB ports located on Aluratek's Products, like SnapPower's Charger, do not require wires and get their power from the current-carrying metal screws on the side of the internal socket assembly. An image explaining how Aluratek's Products operate is displayed below.

Installation in Seconds
NO batteries. NO wires. NO electricians. NO fuss.
Installation is quick and easy. The USB Charging Wall Plate snaps right into place.
The prongs draw power right from the outlet!
STEP 1
Shut off the power and remove the wall plate from the outlet
STEP 2
Insert the prongs around the outlet and the wall plate charger snaps into place
STEP 3
Replace the wall plate screws
STEP 4
Charge your USB device
(USB OUTPUT: 5V / 3.1A)

24. Aluratek's Products are offered for sale and sold by at least Best Buy, BrandsMart USA, Fry's Electronics, RJL Technology Integration, eBay.com, Amazon.com, aluratek.com, Costco.ca, and bestbuy.com.

25. Aluratek's Products are offered for sale and sold in Best Buy stores located in Utah.

Best Buy › Connected Home & Housewares › Smart Home › Smart Switches & Outlets
Share Print
Aluratek - USB Charging Decor Wall Plate - White
Model: AUWCS02FS SKU: 5623562 3.5 (6)
Click or tap to enlarge
Add to Cart
PRICE MATCH GUARANTEE
$29.99
FREE SHIPPING
on orders $35 and up
Save for Later
Add to Registry
Shipping: $5.49
Get it by 3/23/2017 for 84115 Change
Order by 1:00 p.m. on 3/17/2017
Store Pickup: S SALT LAKE CITY UT
Change
Pick Up Today
Fewer than 3 left in stock
Special Offers
25% Off Three or More Select Accessories
Cardholder Offers
Get 5% Back in Rewards

Best Buy › Cell Phones › Cell Phone Accessories › Adapters, Cables & Chargers › Adapters
Share Print
Aluratek - USB Charging Decor Wall Plate - White
Model: AUWCS02FR SKU: 5623639 4.8 (11)
Click or tap to enlarge
Add to Cart
PRICE MATCH GUARANTEE
$29.99
FREE SHIPPING
on orders $35 and up
Save for Later
Add to Registry
Shipping: $5.49
Get it by 3/24/2017 for 84115 Change
Order by 1:00 p.m. on 3/20/2017
Store Pickup: S SALT LAKE CITY UT
Change
Pick Up Today
Special Offers
25% Off Three or More Select Accessories
Cardholder Offers
Get 5% Back in Rewards

26. On February 13, 2017, SnapPower sent a letter to Aluratek informing it that Aluratek's Products infringe SnapPower's patents. SnapPower requested that Aluratek immediately cease and desist marketing and selling Aluratek's Products.

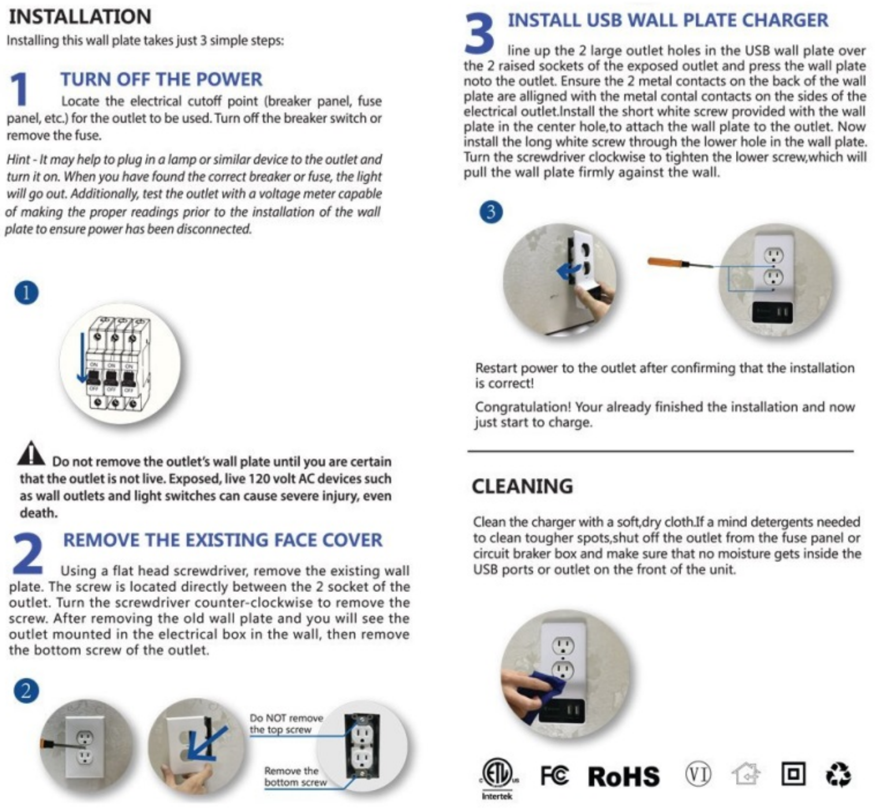
27. On information and belief, Aluratek continues to market and sell Aluratek's Products.

28. On information and belief, Aluratek purchases its infringing products from defendants Vistek and Enstant, which manufacture and import Aluratek's Products into the United States.

Enstant manufactures, imports, markets, and sells infringing products.

29. On information and belief, Enstant manufactures, imports, offers for sale, and sells infringing products in the United States ("Enstant's Products"). Images of Enstant's Products are displayed below.

30. Enstant's Products utilize SnapPower's patented technology that allows the USB ports to receive power from the metal screws on the side of the internal socket assembly. An image explaining how Enstant's Products operate is displayed below.


INSTALLATION
Installing this wall plate takes just 3 simple steps:
1 TURN OFF THE POWER
Locate the electrical cutoff point (breaker panel, fuse panel, etc.) for the outlet to be used. Turn off the breaker switch or remove the fuse.
Hint - It may help to plug in a lamp or similar device to the outlet and turn it on. When you have found the correct breaker or fuse, the light will go out. Additionally, test the outlet with a voltage meter capable of making the proper readings prior to the installation of the wall plate to ensure power has been disconnected.
1
Do not remove the outlet's wall plate until you are certain that the outlet is not live. Exposed, live 120 volt AC devices such as wall outlets and light switches can cause severe injury, even death.
2 REMOVE THE EXISTING FACE COVER
Using a flat head screwdriver, remove the existing wall plate. The screw is located directly between the 2 socket of the outlet. Turn the screwdriver counter-clockwise to remove the screw. After removing the old wall plate and you will see the outlet mounted in the electrical box in the wall, then remove the bottom screw of the outlet.
2
Do NOT remove the top screw
Remove the bottom screw
3 INSTALL USB WALL PLATE CHARGER
line up the 2 large outlet holes in the USB wall plate over the 2 raised sockets of the exposed outlet and press the wall plate noto the outlet. Ensure the 2 metal contacts on the back of the wall plate are alligned with the metal contal contacts on the sides of the electrical outlet.Install the short white screw provided with the wall plate in the center hole,to attach the wall plate to the outlet. Now install the long white screw through the lower hole in the wall plate. Turn the screwdriver clockwise to tighten the lower screw,which will pull the wall plate firmly against the wall.
3
Restart power to the outlet after confirming that the installation is correct!
Congratulation! Your already finished the installation and now just start to charge.
CLEANING
Clean the charger with a soft,dry cloth.If a mind detergents needed to clean tougher spots,shut off the outlet from the fuse panel or circuit braker box and make sure that no moisture gets inside the USB ports or outlet on the front of the unit.
Intertek
FC
RoHS
VI

31. Enstant's Products are offered for sale and sold in the United States on Amazon.com.

32. On information and belief, Enstant also purchases infringing products from defendant Vistek, which manufactures and imports Enstant's Products into the United States.

Vistek manufactures and imports infringing products that are sold by Aluratek and Enstant.

33. According to Vistek's website, it was founded in 2006 as a company that develops, manufactures, and sells electronic products. Vistek's products include switching power supplies, LED drivers, chargers, and power cables. Vistek has branches located in the United States.

34. Vistek manufactures, among other things, various wall plates with USB chargers that infringe SnapPower's patents ("Vistek's Products"). Images of Vistek's Products are displayed below.

35. On information and belief, Vistek manufactures wall-plate USB chargers that are then marketed and sold by Aluratek and Enstant in the United States.

36. On information and belief, Vistek's Products have been offered for sale and sold by Aluratek to Utah customers.

Defendants are infringing the Patents-in-Suit.

37. Defendants, with knowledge of SnapPower's Patents-in-Suit, have been actively and knowingly importing, manufacturing, making, distributing, using, advertising, selling, and/or offering for sale infringing products.

38. At no time have Defendants had any express or implied authorization, license, or permission to practice the inventions claimed by SnapPower's Patents-in-Suit.

39. SnapPower has provided the public with constructive notice of its Patents-in-Suit pursuant to 35 U.S.C. § 287.

40. SnapPower provided Aluratek with actual notice of its '588 and '900 Patents by sending a letter on February 13, 2017, requesting that Aluratek immediately cease and desist marketing and selling Aluratek's Products.

Vistek uses images of SnapPower's Charger in its advertisement.

41. In addition to infringing SnapPower's patents, Vistek has engaged in false advertising and copyright infringement by displaying without permission images of SnapPower's Charger in Vistek's promotional materials.

42. On July 6, 2015, SnapPower received an email from the marketing director for Hubbell Inc. ("Hubbell"), a public company that designs, manufactures, and sells electrical and electronic products for a range of non-residential and residential construction, industrial, and utility applications.

43. Hubbell's marketing director informed SnapPower that he received an electronic advertisement flier (the "Vistek Flier" or "Vistek's Flier") from Vistek displaying images of electric outlet covers with built-in USB chargers labeled as Vistek's Products.

44. Hubbell's marketing director inquired of SnapPower as to whether the Vistek Flier was SnapPower's advertisement.

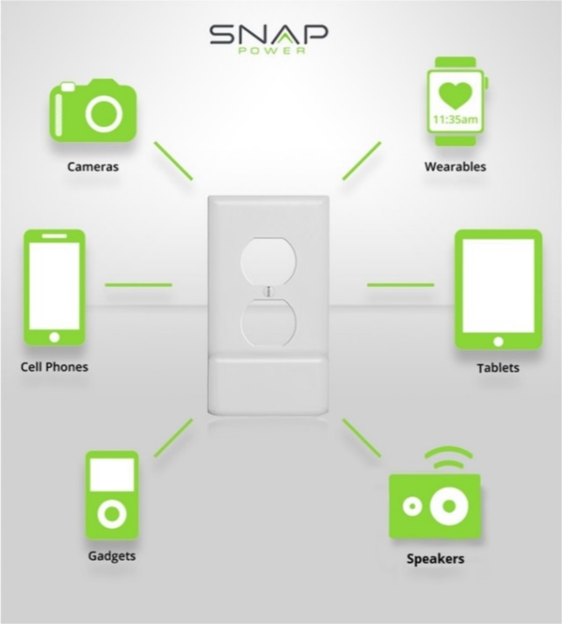
45. The Vistek Flier displays images of SnapPower's Charger and SnapPower's promotional materials located on SnapPower's Kickstarter website (https://www.kickstarter.com/projects/snappower/snappower-charger-a-usb-charger-in-a-coverplate-no) (the "SnapPower Website"). SnapPower advertises SnapPower's Charger through the SnapPower Website. The SnapPower Website is a copyright-protected work owned by SnapPower.

46. On information and belief, the images used in Vistek's Flier were copied directly from the SnapPower Website. Images from the Vistek Flier are displayed below. (The images at issue are highlighted below in red.)

Vistek Technology Co., LTD
Vistek USB 1A charger on wall
Office
Powerful 1-amp USB charger built into an outlet cover
1
Turn power off to outlet and remove cover plate
2
Insert Charger over outlet
3
Secure screw and start charging!
Bedroom
Living Space
Kitchen
Bathroom
Make any standard outlet in your home USB compatible...in seconds
There's no wiring to mess with, and no batteries to sort out. Just bring a good attitude
Cameras
Wearables
Cell Phones
Tablets
Gadgets
Speakers
Charges any device from any manufacturer

47. The Vistek Flier not only uses images of SnapPower's Charger but also uses other proprietary promotional images from the SnapPower Website. Specifically, the picture in the bottom left corner of Vistek's Flier is SnapPower's advertisement with Vistek's Product and

name superimposed onto the picture. The original image from the SnapPower Website is displayed below.



48. Vistek did not request permission to use images of SnapPower's Charger or promotional materials in Vistek's Flier.

49. Vistek's Flier conveys the false impression that SnapPower's Charger is Vistek's charger. Vistek's Flier also creates the false impression and misleads consumers to believe that Vistek is associated with SnapPower and/or that Vistek's Products are of similar quality and character as SnapPower's Charger.

50. Vistek's Flier actually confused Hubbell's marketing director as to the association between Vistek and SnapPower and Vistek's Products and SnapPower's Charger.

51. On information and belief, Vistek's Flier has caused confusion among other consumers as to the origin of Vistek's Products, the quality and character of Vistek's Products and SnapPower's Charger, and the association between Vistek and SnapPower.

52. On information and belief, as a result of Vistek's conduct, sales have been diverted from SnapPower, and SnapPower's goodwill, reputation, and competitive position in the marketplace have been diminished.

FIRST CAUSE OF ACTION
(Patent Infringement of U.S. Patent No. 6,087,588 Against Defendants)

53. SnapPower hereby incorporates and realleges the preceding paragraphs as if fully set forth herein.

54. Defendants are infringing at least Claims 1, 2, and 8 of the '588 Patent, literally or by equivalents, pursuant to 35 U.S.C. § 271 in the United States, including in this judicial district.

55. At no time has SnapPower granted Defendants any authorization, license, or permission to practice the '588 Patent.

56. Defendants' patent infringement has allowed them to unfairly reap a substantial commercial and competitive advantage and savings in, among other things, research, development, and operational time and cost.

57. On information and belief, Defendants' infringement has been willful and with full knowledge of the '588 Patent and SnapPower's rights therein.

58. Defendants' infringement of the '588 Patent has caused and, unless restrained and enjoined, will continue to cause irreparable harm to SnapPower that cannot be adequately quantified or compensated by monetary damages alone and for which there is no adequate remedy at law.

59. As a direct and proximate result of Defendants' patent infringement, SnapPower is entitled to recover actual damages in an amount to be proven at trial.

60. Defendants' conduct as alleged herein constitutes an exceptional case under 35 U.S.C. § 285, entitling SnapPower to its attorneys' fees and costs incurred in bringing this action.

SECOND CAUSE OF ACTION
(Patent Infringement of U.S. Patent No. 6,423,900 Against Defendants)

61. SnapPower hereby incorporates and realleges the preceding paragraphs as if fully set forth herein.

62. Defendants are directly infringing at least Claims 4 and 16 of the '900 Patent, literally or by equivalents, pursuant to 35 U.S.C. § 271 in the United States, including in this judicial district.

63. At no time has SnapPower granted Defendants any authorization, license, or permission to practice the '900 Patent.

64. Defendants' patent infringement has allowed them to unfairly reap a substantial commercial and competitive advantage and savings in, among other things, research, development, and operational time and cost.

65. On information and belief, Defendants' infringement has been willful and with full knowledge of the '900 Patent and SnapPower's rights therein.

66. Defendants' infringement of the '900 Patent has caused and, unless restrained and enjoined, will continue to cause irreparable harm to SnapPower that cannot be adequately quantified or compensated by monetary damages alone and for which there is no adequate remedy at law.

67. As a direct and proximate result of Defendants' patent infringement, SnapPower is entitled to recover actual damages in an amount to be proven at trial.

68. Defendants' conduct as alleged herein constitutes an exceptional case under 35 U.S.C. § 285, entitling SnapPower to its attorneys' fees and costs incurred in bringing this action.

THIRD CAUSE OF ACTION
(Patent Infringement of U.S. Patent No. 8,912,442 Against Defendants)

69. SnapPower hereby incorporates and realleges the preceding paragraphs as if fully set forth herein.

70. Defendants are directly infringing at least Claims 1, 2, 3, 4, 11, 12, and 14 of the '442 Patent, literally or by equivalents, pursuant to 35 U.S.C. § 271 in the United States, including in this judicial district.

71. At no time has SnapPower granted Defendants any authorization, license, or permission to practice the '442 Patent.

72. Defendants' patent infringement has allowed them to unfairly reap a substantial commercial and competitive advantage and savings in, among other things, research, development, and operational time and cost.

73. On information and belief, Defendants' infringement has been willful and with full knowledge of the '442 Patent and SnapPower's rights therein.

74. Defendants' infringement of the '442 Patent has caused and, unless restrained and enjoined, will continue to cause irreparable harm to SnapPower that cannot be adequately quantified or compensated by monetary damages alone and for which there is no adequate remedy at law.

75. As a direct and proximate result of Defendants' patent infringement, SnapPower is entitled to recover actual damages in an amount to be proven at trial.

76. Defendants' conduct as alleged herein constitutes an exceptional case under 35 U.S.C. § 285, entitling SnapPower to its attorneys' fees and costs incurred in bringing this action.

FOURTH CAUSE OF ACTION
(Unfair Competition Under Utah Code § 13-5a-102(4) Against Defendants)

77. SnapPower hereby incorporates and realleges the preceding paragraphs as if fully set forth herein.

78. Defendants are competitors of SnapPower and have engaged in unfair competition under Section 13-5a-102(4) of the Utah Unfair Competition Act.

79. Defendants engaged in unfair competition by intentionally infringing the Patents-in-Suit.

80. Defendants' acts and practices have led to a material diminution in value of SnapPower's intellectual property, including the Patents-in-Suit.

81. As a direct and proximate result of Defendants' conduct, SnapPower is entitled to recover its actual damages in an amount to be proven at trial.

82. SnapPower is also entitled to its costs and attorneys' fees, and pre- and post-judgment interest, as provided by law.

83. SnapPower is entitled to punitive damages under Utah Code § 13-5a-103(1)(b)(iii) as a result of Defendants' intentional, deliberate, and malicious conduct.

FIFTH CAUSE OF ACTION
(False Advertising/False Designation of Origin in Violation of Section 1125(a) of the Lanham Act Against Vistek)

84. SnapPower hereby incorporates and realleges the preceding paragraphs as if fully set forth herein.

85. This action arises under Section 1125(a) of the Lanham Act for false advertising.

86. Vistek has made materially misleading representations of fact in connection with the commercial advertising of Vistek's Products, including by representing that images of the products in the Vistek Flier are Vistek's Products.

87. On information and belief, Vistek has placed its misleading advertisement into interstate commerce by sending the Vistek Flier to consumers across state lines.

88. Vistek's Flier conveys a materially false impression that is highly likely to confuse consumers and that has actually confused a consumer.

89. Vistek's unauthorized and commercial use of images of SnapPower's Charger and advertisement materials has caused and is likely to continue to cause both confusion among consumers as to the source, origin, and characteristics of Vistek's products and to deceive consumers into mistakenly believing that SnapPower's Charger is Vistek's product, that Vistek's Products are associated with SnapPower, and/or that Vistek's Products are of the same quality and character as SnapPower's Charger.

90. As a result of Vistek's conduct, SnapPower has suffered and will continue to suffer irreparable harm for which there is no adequate remedy at law. SnapPower is entitled to injunctive relief against such acts under 15 U.S.C. § 1116.

91. SnapPower has been damaged and will further be damaged, and is entitled to compensation for such damages, under 15 U.S.C. § 1117.

92. SnapPower is also entitled to recover Vistek's profits, the costs of suit, enhanced damages, and attorneys' fees under 15 U.S.C. § 1117.

SIXTH CAUSE OF ACTION
(Common Law Unfair Competition Against Vistek)

93. SnapPower hereby incorporates and realleges the preceding paragraphs as if fully set forth herein.

94. Vistek has engaged in unfair competition by intentionally committing business acts and practices that are unlawful and unfair by placing images of SnapPower's proprietary products in Vistek's Flier.

95. Vistek's Flier conveys a materially false impression that is highly likely to confuse consumers and that has actually confused a consumer.

96. As a result of Vistek's conduct, SnapPower has suffered and will continue to suffer irreparable harm for which there is no adequate remedy at law. SnapPower is entitled to injunctive relief against Vistek.

97. SnapPower is also entitled to recover its damage as a result of Vistek's conduct.

SEVENTH CAUSE OF ACTION
(Copyright Infringement Under 17 U.S.C. § 501)

98. SnapPower hereby incorporates and realleges the preceding paragraphs as if fully set forth herein.

99. Vistek has directly, contributorily, and/or vicariously infringed SnapPower's copyrights by making, distributing, and displaying illegal and unauthorized reproductions and derivative works of the SnapPower Website.

100. Vistek's infringement of SnapPower's copyrights has caused harm to SnapPower and has allowed Vistek to reap a substantial commercial advantage.

101. On information and belief, Vistek's infringement of SnapPower's copyrights has been willful.

102. As a direct and proximate result of Vistek's conduct, SnapPower is entitled to recover its actual damages.

PRAYER FOR RELIEF

WHEREFORE, SnapPower respectfully requests the Court enter judgment against Defendants as follows:

1. On the First, Second, and Third Causes of Action:

a. Declaring that Defendants have infringed one or more Patents-in-Suit;

b. Preliminarily and permanently enjoining Defendants, including all of their officers, agents, servants, employees, contractors, suppliers, and attorneys, and all other persons who are in active concert or participation with them or who receive actual notice of the order by personal service or otherwise, from directly infringing, contributorily infringing, or inducing infringement of any Claims of the Patents-in-Suit, literally or by equivalents;

c. Entry of judgment in favor of SnapPower and against Defendants awarding SnapPower its damages for patent infringement pursuant to 35 U.S.C. § 284 in an amount to be determined at trial, but in no event less than a reasonable royalty for infringement of the Patents-in-Suit, in addition to pre-judgment interest, post-judgment interest, and SnapPower's costs in bringing this action;

d. For an award of treble damages pursuant to 35 U.S.C. § 284 due to Defendants' deliberate and willful infringement of the Patents-in-Suit;

e. For an award of SnapPower's reasonable attorneys' fees, costs, and expenses pursuant to 35 U.S.C. § 285; and

f. For damages sufficient to compensate SnapPower for Defendants' wrongful conduct, including for SnapPower's lost profits, lost sales, Defendants' sales, and/or lost license fees and royalties.

2. On the Fourth Cause of Action:

a. For an award of general and compensatory damages in an amount to be proven at trial;

b. For an award of pre- and post-judgment interest as allowed by applicable law, cost of suit, and attorneys' fees; and

c. For an award of punitive damages pursuant to Utah Code § 13-5a-103(1)(a)(iii) as the result of the willful nature of Defendants' conduct.

3. On the Fifth and Sixth Causes of Action:

a. For an order enjoining Vistek, including all of its officers, agents, servants, employees, contractors, suppliers, and attorneys, and all other persons who are in active concert or participation with it or who receive actual notice of the order by personal service or otherwise, from engaging in false or misleading advertising with respect to SnapPower's products and related services, and/or violation the Lanham Act or unfair competition in violation of Utah common law, including, but not limited to, removal of all false or misleading advertisements;

b. For an order requiring Vistek to correct any erroneous impressions Vistek has created in the minds of SnapPower's clients and the consuming public concerning the origin and characteristics of Vistek's Products, including, but not limited to, the placement of corrective advertising and providing written notice to the public;

c. Entry of judgment holding that Vistek violated 15 U.S.C. § 1125(a) and unfair competition under Utah common law by unfairly competing against SnapPower by using false, deceptive, or misleading advertisements;

d. For an award of damages that SnapPower sustained in consequence of Vistek's advertisement and conduct;

e. For an award of the gains, profits, and advantages that Vistek has obtained as a result of its actions in violation of 15 U.S.C. § 1125(a);

f. Entry of judgment holding that Vistek's actions and conduct were undertaken willfully and with the intention to cause confusion, mistake, or deception, making this an exceptional case, and awarding SnapPower enhanced damages and reasonable attorneys' fees; and

g. For an order directing Vistek to remove and destroy all misleading and deceptive materials pursuant to 15 U.S.C. § 1118.

4. On the Seventh Cause of Action:

a. For an award of damages that SnapPower sustained in consequence of Vistek's infringing conduct.

5. On all causes of action:

a. For an award of other further relief as the Court deems just and proper.

DEMAND FOR JURY TRIAL

SnapPower demands a jury trial of all issues in this action triable as of right by a jury.

DATED: March 23, 2017.

STOEL RIVES LLP

/s/ *Timothy K. Conde*
Timothy K. Conde
Jordan C. Bledsoe

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